

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

	)	MDL 2185
	)	Case No. 4:10-md-02185
)	
	)	This Document Relates to Only The
	)	Following Individual Actions
)	
	)	No. 4:12-cv-1256 (cons.)
	)	No. 4:12-cv-1272
	)	No. 4:12-cv-2362 (cons.)
	)	No. 4:12-cv-3621
	)	No. 4:12-cv-3714
	)	No. 4:12-cv-3715
<i>In re BP plc Securities Litigation</i>	)	No. 4:13-cv-0069
	)	No. 4:13-cv-0129
	)	No. 4:13-cv-0517
	)	No. 4:13-cv-0887
	)	No. 4:13-cv-1044
	)	No. 4:13-cv-1393
	)	No. 4:13-cv-3397
	)	No. 4:14-cv-0457
	)	No. 4:14-cv-0980
	)	No. 4:14-cv-1065
	)	No. 4:14-cv-1085
	)	No. 4:14-cv-1068
	)	No. 4:14-cv-1072
	)	No. 4:14-cv-1073
	)	No. 4:14-cv-1075
	)	No. 4:14-cv-1087
	)	No. 4:14-cv-1279
	)	No. 4:14-cv-1280
	)	No. 4:14-cv-1281
	)	No. 4:14-cv-1418
)	
	)	<i>[Filed with Exhibits on the main MDL</i>
	)	<i>docket and without Exhibits on the</i>
	)	<i>case-specific dockets of the separate</i>
	)	<i>actions.]</i>

**SUPPLEMENTAL DECLARATION OF MATTHEW L. TUCCILLO, ESQ.
IN SUPPORT OF INDIVIDUAL ACTION PLAINTIFFS'
MOTION TO COMPEL DISCOVERY RESPONSE**

Pursuant to 28 U.S.C. § 1746, I, Matthew L. Tuccillo, Esq., declare the following:

1. I am over twenty-one years of age and I am fully competent to make this Declaration. I have personal knowledge of the facts set forth in this Declaration.

2. I am a Partner of the law firm Pomerantz LLP. My office is located at 600 Third Avenue, New York, NY 10016. I make this Declaration in support of the accompanying Individual Action Plaintiffs' Motion to Compel Discovery Response (the "Motion").

3. I am a member in good standing of the Bars of the State of New York, the State of Connecticut, and the Commonwealth of Massachusetts. I am also a member in good standing of the Bar of the Supreme Court of the United States and the Bars of the United States District Courts for the Southern and Eastern Districts of New York, the District of Connecticut, the District of Massachusetts, the Northern District of Illinois, and the Southern District of Texas.

4. As discussed in my initial Declaration, I represent the Plaintiffs in certain of the above-captioned Individual Actions, and more generally, fulfill my firm's role as a member of the Individual Action Plaintiffs' Steering Committee and as the sole Individual Action Plaintiffs' Liaison with the Court and with Defendants. In those capacities, I have overseen meet-and-confer efforts with Defendants regarding Plaintiffs' discovery requests at issue in Plaintiffs' Motion.¹

5. I have also overseen meet-and-confer efforts with Defendants, regarding issues pertaining to all Individual Action Plaintiffs, regarding Defendants' own discovery requests. Similar to the path taken with Plaintiffs' discovery, those efforts likewise included extensive telephonic and written dialogue during 12 months in 2016-2017, culminating in the parties' December 28, 2017 Letter Agreement, and extensive supplemental dialogue, primarily via email

¹ "Plaintiffs," as used herein, has the same meaning as ascribed in the accompanying Motion to Compel and Memorandum in support.

and letters, starting in March 2019 and continuing intermittently to present. The vast majority of these interactions were with Mr. Marc De Leeuw and Mr. Matthew Peller of Sullivan & Cromwell.

6. Attached hereto as Exhibit HH is a true and correct copy of Defendants' email to me dated March 14, 2019, which restarted the meet-and-confer process and the supplemental discovery process regarding Defendants' requests of the Test-Case Plaintiffs, as governed by the December 2017 Letter Agreement. Thereafter, subsequent meet-and-confer dialogue, on behalf of all Test-Case Plaintiffs, was accomplished, *inter alia*, via my letter dated May 17, 2019, Defendants' email/letter dated May 23, 2019, Defendants' email dated June 5, 2019, my email dated June 5, 2019, my email/letter dated June 6, 2019, Defendants' letter dated June 12, 2019, and my letter of June 20, 2019. At that point, per the Steering Committee's guidance, while any additional macro issues would continue to be funneled through me, individual questions affecting only a specific discovery item for a given Plaintiff were handled by that Plaintiffs' individual counsel and defense counsel directly.

7. The Lucier Declaration has presented incomplete information to the Court to support Defendants' incorrect factual argument creating a false equivalence between their refusal to answer Interrogatory 11, with respect to which the March 2017 Letter Agreement required a response **30 months ago**, and the statement in my letter of June 6, 2019 (Lucier Decl. Exh. 1) that Test-Case Plaintiff Universities Superannuation Scheme (USS)'s response to Defendants' request for the identities of compliance personnel, first made in March 2019 (**3 months prior**) "may be impacted by the documents being reviewed and produced on its behalf." Omitted from the Lucier Declaration is any reference to the my follow up letters on July 26, 2019 and July 31, 2019, the latter of which provided the requested information **before** USS made its document production.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 10th day of September 2019 at New York, New York.

/s/ Matthew L. Tuccillo
Matthew L. Tuccillo

CERTIFICATE OF SERVICE

I hereby certify that on September 10, 2019, a copy of the foregoing was served by me via ECF notification on the counsel of record for all Defendants, with an email copy also sent to Mr. Marc De Leeuw and Mr. Matthew Peller at Sullivan & Cromwell LLP.

/s/ Matthew L. Tuccillo
Matthew L. Tuccillo, Esq.